

04-07-04

2834

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Werson et al.

Serial No.: 10/672,930

Group Art Unit: 2834

Filed: 09/25/2003

Examiner: Le, Dang D.

For: Electric Motor

Atty. Dkt. No.: 60,680-726

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**REPLY TO RESTRICTION/ELECTION REQUIREMENT
UNDER 35 U.S.C. § 121**

Dear Sir:

This paper is responsive to the Office Action mailed March 24, 2004.

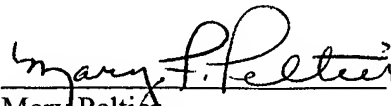
REMARKS

I. INTRODUCTION

Claims 1-11 are presently pending in this application. Applicants respectfully request further examination and reconsideration of the application.

Certificate of Express Mailing

I hereby certify that this Reply to Restriction/Election Requirement Under 35 U.S.C. § 121 is being deposited with the United States Postal Service as Express Mail No. ER356749022US, postage prepaid, in an Express Mail envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on this 6th day of April 2004.


Mary Peltier

II. ELECTION OF INVENTION

Applicant hereby elects, with traverse, the invention identified as Invention I

(claims 1-10) in the Office Action.

III. TRAVERSAL

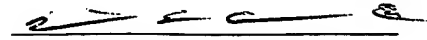
The requirement for an election of an invention on the merits is respectfully traversed. The inventions identified by the Examiner are not related as process and apparatus for its practice as asserted in the Office Action. Rather, the inventions are related as process of making and product made. MPEP 806.05(f). In particular, claim 11 recites a “method for assembling a rotor for an electric motor” while claims 1-10 recite an electric motor. As set forth in MPEP 806.05(f):

A process of making and a product made by the process can be shown to be distinct inventions if either or both of the following can be shown: (1) that the process *as claimed* is not an obvious process of making the product and the process *as claimed* can be used to make other and different products, or (2) that the product *as claimed* can be made by another and materially different process.

The Examiner’s only statement in this regard is that “the process as claimed can be used to make a stator”. Office Action p. 2, line 11. This statement does not satisfy the above test set forth in MPEP 806.05(f). In particular, the Examiner has failed to show that the “process as claimed is not an obvious process of making the product” (condition (1)) or that “the product as claimed can be made by another and materially different process” (condition (2)).

Applicants respectfully request that the restriction requirement be withdrawn.

Respectfully submitted,



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CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)

Applicant(s): Werson et al.

Docket No.

60680-726

Serial No.

10/672,930

Filing Date

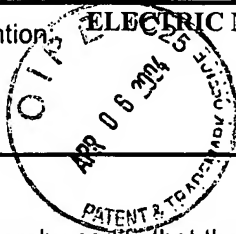
09-25-03

Examiner

Le, Dang D.

Group Art Unit

2834

Invention: **ELECTRIC MOTOR**

I hereby certify that the following correspondence:

Reply to Restriction Requirement

(Identify type of correspondence)

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